

Alabama State Licensing Board for General Contractors



Functional Analysis & Records Disposition Authority

**Revision
Presented to the
State Records Commission
October 24, 2012**

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Functional and Organizational Analysis of the Alabama State Licensing Board for General Contractors

Sources of Information

- Representatives of the Alabama State Licensing Board for General Contractors
- Code of Alabama 1975 § 6-5-220 through § 6-5-221
- Code of Alabama 1975 § 34-8-1 through § 34-8-28
- Code of Alabama 1975 § 41-20-1 through § 41-20-16 (Sunset Law)
- Code of Alabama 1975 § 41-22-1 through § 41-22-27 (Administrative Procedures Act)
- Alabama Administrative Code Chapters 230-X-1 through 230-X-2
- Alabama State Licensing Board for General Contractors Audit Reports
- Alabama Government Manual (2010), pp. 502-503
- Government Records Division, State Agency Files (1989-ongoing)

Historical Context

The Alabama State Licensing Board for General Contractors was created in 1935 by the Legislature (Acts 1935, No. 297, p. 721). The enabling act has been amended several times over the past 70 years.

Agency Organization

The Alabama State Licensing Board for General Contractors consists of five members appointed by the governor. Each member must be a general contractor with at least ten years' experience. One member must have the larger part of his/her contractor experience in highway construction; one in the construction of public utilities; and one in building construction. Members serve five-year staggered terms and may be removed by the governor. The board holds regular meetings each year in January, April, July, and October. Special meetings of the board may also be called on an as needed basis. Three members constitute a quorum. The governor designates the chairman, vice-chairman, and secretary-treasurer from the members of the board. The board appoints and executive secretary to direct its administrative operations. Other staff members are employed through the state merit system.

Agency Function and Subfunctions

The mandated function of the Alabama State Licensure Board for General Contractors is to provide for the regulation and licensure of commercial and industrial contractors in the major and specialty classifications that constitute the industry. It is one of the agencies primarily involved in carrying out the regulatory function of Alabama government.

In the performance of its mandated functions, the board may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** The Code of Alabama 1975 § 34-8-22, authorizes the board to adopt rules concerning the records and reports to be kept and made by the Licensing Board for General Contractors; to fix standards and requirements for licenses and permits; and to adopt rules and regulations for the administration and enforcement necessary to implement the Alabama Administrative Procedures Act. This subfunction encompasses activities pertaining to the development of rules, regulations, and procedures for licensure.
- **Licensing.** The Code of Alabama 1975 § 34-8-2 through § 34-8-3 authorizes the board to screen and examine applicants for licensure as general contractors. All general contractors must be licensed by the board annually to engage in general contracting. The subfunction encompasses the screening of applicant's qualifications, conducting examinations, and issuing certificates to applicants who pass the examination for licensure as general contractors in Alabama. Each license stipulates the type of work and the maximum limit the contractor is permitted to bid on and perform in a single contract. All licenses are renewable each year by submitting a renewal application, payment of a renewal fee, and a copy of the licensee's current financial statement. Licensees who fail to renew their licenses must refile their applications before a new license may be issued.
- **Investigating Complaints or Violations.** The Code of Alabama 1975 § 34-8-4 authorizes the board to conduct investigations, hearings, and proceedings concerning alleged violations of its rules and regulations. The board is obligated, upon receipt of written or oral complaints, to investigate all consumer complaints concerning either licensed or unlicensed contractors. The board's special investigators investigate the complaint to determine if there is a probable cause for disciplinary or enforcement proceedings. The board may enter into informal settlements with the violator or may take formal disciplinary actions, including a hearing if necessary. If a licensee has committed fraud or deceit in obtaining a license or has committed gross negligence, incompetence, or misconduct in the practice of general contracting, the board may then suspend or revoke the license and/or impose an administrative fine.
- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support its programmatic areas.

Managing the Agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities include budgeting (preparing and reviewing a budget package, submitting the budget package to the Finance Department; documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure,

encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; assisting in the audit process; investing; and issuing bonds.

Managing Human Resources: Activities involved in managing human resources may include the following: recruiting and hiring eligible individuals to fill vacant positions within the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

Managing Properties, Facilities, and Resources: Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

Analysis of Record Keeping System and Records Appraisal of the Alabama State Licensing Board for General Contractors

Agency Record Keeping System

The Alabama State Licensing Board for General Contractors currently operates a hybrid record keeping system composed of paper and electronic records.

Paper-based System: Some of the board's records are maintained in paper form and stored on-site.

Computer Systems: The board maintains a local area network (LAN) utilizing LBDoc version 1.18.8 and ApplicationXtender version 6.0 with an integrated information system housed on a Dell Windows 2005 server. The server is equipped with an internal tape backup unit and backup of the server is performed daily. The agency maintains a General Contractors Licensure Database and an imaging system, ApplicationXtender, that contains the following types of components: general contractor/subcontractor licensure and compliance (complaints and violations).

The agency's website is www.genconbd.alabama.gov. The website contains information on how to apply, renewal information, reciprocity, forms, testing, license roster, contracting law, rules and regulations, etc.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama State Licensing Board for General Contractors: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal and administrative requirements have been met. Some of the temporary records created by the department are discussed below:

- **General Contractor Licensure Files.** The board is responsible for examining and licensing applicants as general contractors. These files serve as evidence of the scope of a licensee's professional practice in this state. A typical licensure file documents the licensee's professional career in Alabama and may contain a completed licensure application form, examination records, renewal documents, professional and credit references, and complaint/investigative reports. Code of Alabama, Section 6-5-221, as revised in Act 2011-519, provides that any lawsuit against a builder (defined as a general contractor in Code of Alabama, Section 6-5-220) for the construction of a building must be brought now more than two (2) years after the action accrues, and, notwithstanding this, the action must accrue no more than seven (7) years after substantial completion of the building. So, any action against a contractor regarding construction must be

commenced within nine (9) years of a building's substantial completion. To ensure the availability of this series for possible legal use, the recommended retention for the file is 9 years after the end of the fiscal year in which the license becomes non-compliant.

- **Complaint and Violation Investigation Files.** The board creates a compliant investigation file after receiving a complaint against a licensee. These files contain information concerning complaints and the investigations of alleged violations; disciplinary hearings; and actions taken by the board, such as the revoking or suspension of licenses. The board uses these files to ensure the licensees follow the terms of the settlements and hearing decisions and to protect the public from repeat offenders. The recommended retention for founded complaints or violations is five years after the end of the fiscal year in which the license becomes inactive. Recommended retention of files with unfounded complaints or violations is five years after the end of the fiscal year in which the record was created. Records documenting founded complaints and violations are located in the meeting minutes of the board which are permanent records.
- **General Contractor Licensure Database.** This database is created and used to maintain licensure and compliance (complaints and violations) information on all active and inactive licensees. Staff members use the database to print licenses and generate annual rosters of licensees.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating Rules and Regulations

- **Meeting Agendas, Minutes, and Packets of the Board.** The board is obligated to hold a minimum of four regular meetings each year. Information in meeting minutes includes: the approval or denial of license requests, disciplinary actions, and policy making. The minutes of these meetings are necessary to document the actions of the board and its members. In addition to minutes, this series may include meeting agendas and other supporting or reference documents. These records are the best source of information about the functions of the board and the creation of its policy. **(Bibliographic Title: Meeting Agendas, Minutes, and Packets)**
- **Informational Publications.** These publications document the board's efforts in communicating with the public regarding general contractor education and practice, licensure procedures, and other board related services. Publications include, but are not limited to, the board's Rules and Regulations, and the Alabama Administrative Code. The Rules and Regulations booklet contains the general contractor's law. **(Bibliographic Title: State Publications)**

Licensing

- **Annual Roster of Licensed General Contractors.** These records are generated annually from the Licensure Board for General Contractors licensure database. Annual rosters are

printed in order to document information such as who is licensed in Alabama as well as statistical data for any specific year. **(Bibliographic Title: State Publications)**

Investigating Complaints or Violations

- **Orders of the Board.** When the board has determined that a licensee violated one or more of the board's rules or statutes, the board will enter a separate order to fine, suspend, or revoke the license. The final outcome of the hearing is documented in the Orders of the Board. These records document the board's function of enforcement of the state's laws regarding general contracting. **(Bibliographic Title: Orders of the Board)**

Administering Internal Operations

- **Annual Reports.** In compliance with the Code of Alabama 1975, Section 34-8-26, the board prepares an annual report to the governor. Contents of the annual report may include names of the board members and the board staff, annual goals and objectives, a complete statement of receipts and expenditures of the board, operational reports, statistical report of general contractor population, names of all registrants licensed during the period, a record of all permits issued during the period, and statements of fund operations. Annual reports provide the best summary documentation of the board's function and activities. **(Bibliographic Title: State Publications)**
- **Administrative Correspondence.** These records include correspondence with state officials, legal/advisory opinion correspondence, correspondence documenting insurance coverage, correspondence between the board and the director, and correspondence between the Licensing Board for General Contractors and other state agencies. Because the records document the policies and procedures for the board and how the board interacts with other agencies/boards, the records are deemed permanent. **(Bibliographic Title: Administrative Correspondence)**
- **Website and Social Media Sites(s).** The board has a website at www.genconbd.alabama.gov. Information on the website includes board rules and regulations; application, testing, and renewal procedures; various forms; roster search database; a list of board members; and staff directory. The website should be preserved as it serves as an important medium for communication with the public. **(Bibliographic Title: Website)**

Permanent Records List

Alabama State Licensing Board for General Contractors

Promulgating Rules and Regulations

1. Meeting Agendas, Minutes, and Packets of the Board
2. Informational Publications

Licensing

1. Annual Roster of General Contractors

Investigating Complaints or Violations

1. Orders of the Board

Administering Internal Operations

1. Annual Reports
2. Administrative Correspondence
3. Website and Social Media Site(s)

Alabama State Licensing Board for General Contractors Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama State Licensure Board for General Contractors. The RDA lists records created and maintained by the Alabama State Licensure Board for General Contractors in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the agency to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, § 36-12-4, and § 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules and/or RDAs governing the retention of the Alabama State Licensing Board for General Contractors. Copies of superseded schedules or/and RDAs are no longer valid and should be discarded.
- This RDA shall govern the disposition of all records, regardless of format, created by the agency from its creation to dissolution. Please contact the staff of the Department of Archives and History before destroying any records created before 1940.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of

blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes that may include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; and (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff.. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama State Licensing Board for General Contractors and lists the groups of records created and/or maintain by the board as a result of activities and transactions performed in carrying out these subfunctions. The board may submit requests to revise specific records disposition requirements to the States Records Commission for consideration at its regular meetings.

Promulgating Rules and Regulations

MEETING AGENDAS, MINUTES, AND PACKETS OF THE BOARD

Disposition: PERMANENT RECORD.

INFORMATIONAL PUBLICATIONS

Disposition: PERMANENT RECORD.

Administrative Rules File

Disposition: Temporary Record. Retain for useful life.

REGISTER OF ADMINISTRATIVE RULES

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 41-22-6).

Licensing

General Contractors Licensure Files

Disposition: Temporary Record. Retain 9 years after the end of the fiscal year in which the license becomes non-compliant.

General Contractors Licensure Renewal Files

Disposition: Temporary Record. Retain 9 years after the end of the fiscal year in which the records were created. An exception applies to the following documents: initial application or refile application, amendments to class, exam results, and entity change. These documents must be maintained for the life of the license.

General Contractors Licensure Database

Disposition: Temporary Record. Retain for useful life.

ANNUAL ROSTER OF LICENSED GENERAL CONTRACTORS

Disposition: PERMANENT RECORD.

Voided Licenses

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Licensure Applications Not Resulting in Licensure

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Investigating Complaints or Violations

ORDERS OF THE BOARD

Disposition: PERMANENT RECORD.

Complaint and Violation Investigation Files

Disposition: Temporary Record. Retain 5 years after the matter is resolved.

Complaint and Violation Investigation Files Not Resulting in Formal Disciplinary Actions

Disposition: Temporary Record. Retain 5 years after the end of the fiscal year in which the records were created.

Investigator Weekly Activity Reports

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Administering Internal Operations: Managing the Agency

ANNUAL REPORTS

Disposition: PERMANENT RECORD.

ADMINISTRATIVE CORRESPONDENCE

Disposition: PERMANENT RECORD.

WEBSITE AND SOCIAL MEDIA SITE(S)

Disposition: PERMANENT RECORD.

(ADAH staff captures and preserves the agency's website and other social media sites via a service offered by the Internet Archive [Archive-It]. Check the ADAH section of the Archive-It website at www.archive-it.org/organizations/62 to ensure your agency's website and social media site(s) are captured and preserved. If your agency's website and social media site(s) are not captured by the service, please contact the Government Records Division at 334-242-4452 to get them included.)

Annual Receipt and Expenditure Reports

Disposition: Temporary Record. Retain for useful life.

Board Member Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the term expires.

Board Appointment Letters

Disposition: Temporary Record. Retain 5 years after the end of the fiscal year in which the term expires.

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's RDA (copies of transmittals forms to Archives or State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Copies of Approved RDA

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA is superseded.

System Documentation (hardware/software manuals and diskettes, warranties)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which former hardware and software no longer exists anywhere in the agency and all permanent records have migrated to a new system.

Administering Internal Operations: Managing Finances**Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of original entry such as journals, registers, and ledgers, and records of funds deposited outside the state treasury

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting contracts for services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses

- a. Original Bid Records Maintained in the Purchasing Office of the Agency for Contracts over \$7500
Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.
- b. Duplicate copies of bid (where originals are maintained by the Finance Department - Division of Purchasing)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the bids were opened.

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

Administering Internal Operations: Managing Human Resources

Position Classification Records

Disposition: Temporary Record. Retain 4 years after reclassification of the position.

Application Materials

Disposition: Temporary Record. Retain 1 year.

Records documenting payroll (e.g. pre-payroll reports, payroll check registers)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting payroll deduction authorizations

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting payroll deductions for tax purposes (including Form 941)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting an employee's work history – generally maintained as a case file

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Records documenting employees' daily and weekly work schedules

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting an employee's hours worked, leave earned, and leave taken (including time sheets)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting sick leave donations

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting final leave status (cumulative leave)

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Employee Flexible Benefits Plan Files (applications and correspondence)

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

State Employee Injury Compensation Trust Fund Files

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Administering Internal Operations: Managing Properties, Facilities, and Resources

SEMIANNUAL INVENTORY LISTS

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 36-16-8[1]).

Transfer of State Property Forms (SD-1) (Agency copies)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Property Inventory Cards and/or Computer Files

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Real Property Leasing/Renting Records

Disposition: Temporary Record. Retain 6 years after expiration of lease.

Facilities/Building Security Records (including visitor logs)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the record was created.

Motor Pool Vehicle Use Records

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Insurance Policies/Risk Management Records

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

Building Maintenance Work Orders

Disposition: Temporary Record. Retain 1 year.

Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)

Under the Code of Alabama 1975 § 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Alabama State Licensing Board for General Contractors (hereafter referred to as the agency) as stipulated in this document.

One condition of this authorization is that the agency submits an annual Records Disposition Authority (RDA) Implementation Report on agency records management activities, including documentation of records destruction, to the State Record Commission in October of each year. In addition, the agency should make every effort to establish and maintain a quality record-keeping program through the following activities:

- The agency should designate a records liaison, who is responsible for: ensuring the development of quality record-keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.
- Permanent records in the agency’s custody will be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records’ permanent preservation and accessibility.
- Electronic mail contains permanent, temporary, or transitory record information. Although e- mail records can be printed out, filed, and retained according to the RDA’s requirements, the division should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.
- The staff of the State Records Commission or the Examiners of Public Accounts may

examine the condition of the permanent records in the custody of the agency and inspect records destruction documentation. Government Records Division archivists are available to instruct the agency staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this revision to the Records Disposition Authority on October 24, 2012.

Steve Murray, Chairman
State Records Commission

Date

Receipt acknowledged:

Joseph C. Rogers, Jr., Executive Secretary
Alabama State Licensing Board for General Contractors

Date